

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LEILA MARIE MCCOY,  
Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,  
Defendant.

No. 2:23-cv-881-KJN

ORDER GRANTING IFP AND  
DIRECTING E-SERVICE

(ECF No. 2.)

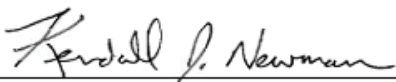
This case was referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72, and E.D. Cal. L.R. 302(c)(15) and Appx. A subsection (j). Plaintiff requests leave to proceed without prepayment of the filing fee under 28 U.S.C. § 1915. (ECF No. 2.) Plaintiff's affidavit demonstrates an inability to prepay fees and costs or give security for them, and so is GRANTED.

At the outset, the court notes that plaintiff's complaint does not explicitly reference either Title II or XVI of the Social Security Act. (ECF No. 1.) However, plaintiff proceeds without the assistance of counsel in this action, and so the court construes the allegations broadly. Hebbe v. Pliler, 627 F.3d 338, 342 & n.7 (9th Cir. 2010) (liberal construction appropriate even post-Iqbal). From what the court can glean, it appears plaintiff's allegations concern actions taken by the Commissioner in connection with an application for disability, and so the court will—at this time—proceed as if this was a petition for review of a final judgment on a petition for disability

1 benefits. This order does not preclude the Commissioner from filing a Rule 12 motion if  
2 appropriate, and the court reserves judgment on any such motion until after the record is more  
3 fully developed.

4 Accordingly, the Clerk of Court is directed to issue (i) a summons for this case pursuant to  
5 Rule 3 of the Supplemental Rules for Social Security actions, (ii) the undersigned's scheduling  
6 order for Social Security cases, and (iii) the court's order regarding consent to the jurisdiction of a  
7 magistrate judge.

8 Dated: May 18, 2023

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10 KENDALL J. NEWMAN  
11 UNITED STATES MAGISTRATE JUDGE

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